



Fair Political Practices Commission

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NEWS RELEASE

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FPPC ponders meaning of 'express advocacy' on Friday agenda

Among other business at its May 9 meeting, the Fair Political Practices Commission will consider several interpretations of the term "express advocacy" as it is used in the Political Reform Act.

Friday's meeting begins at 9:30 a.m. in the FPPC's eighth-floor hearing room at 428 J St. (Fifth and J Streets) in Sacramento. This is the first meeting to be chaired by newly appointed FPPC Chair Liane Randolph. It will also be the first meeting attended by Commissioner Pamela Karlan.

The commission will be presented with various regulatory options interpreting "express advocacy," including a version intended to follow the September 2002 ruling by the 1st District Court of Appeal in the *Governor Gray Davis Committee v. American Taxpayers Alliance* case, which endorsed a narrow construction of the term "express advocacy."

The first proposed version to be reviewed by the commission would consider only the words of the communication. The second interpretation would consider the timing of an election. The commission may also decide not to amend the regulation at this time (agenda Item #6). This issue is particularly timely because of the recent federal court decision in *McConnell, et al. v. Federal Election Commission*, which also sheds some light on how other courts view the issue of express advocacy.

Agenda item #5 concerns a staff recommendation for the permanent adoption of an emergency regulation addressing the circumstances under which a candidate may transfer funds without attribution, to other committees of the same candidate. The proposed regulation affects funds held by the candidate prior to the effective date of Proposition 34. The regulation was previously adopted on an emergency basis.

The commission will also be asked to take a position on several bills which would amend the Political Reform Act, including Assembly and Senate versions of a bill concerning late- contribution reporting from political parties, as well as a bill dealing with last-term officeholder fundraising (agenda item #25).

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The agenda for the meeting is attached and on the Web site at www.fppc.ca.gov. You can obtain memoranda related to specific agenda items -- including proposed stipulations in enforcement matters -- by clicking on that agenda item. Written comments received after the agenda was mailed and posted on the Web site are noted at the top of the agenda.

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